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7 Attorney for Defendants

8 Larry Nolan, Garry Birch, Jason Sage, Sally Wilson,

9 Richard Brockie, Timothy O'Hara, & Fremont Freewheelers Bicycle Club

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 CORNEALIUS LOPES,

14 Plaintiff,

15 Vs.

16 FREEMONT FREEWHEELERS, et al.,

17 Defendants.

Case No.: C 07-6213 PJH

DECLARATION OF TIMOTHY
O'HARA IN SUPPORT OF HIS
MOTION TO DISMISS FOR
IMPROPER SERVICE

Date: July 9, 2008

Time: 9:00am

Dept: Courtroom 3, 17th Floor

Judge: Hon. Phyllis J. Hamilton

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19 My name is Timothy O'Hara, if called as a witness in this proceeding, I could and
20 would competently testify as follows:

- 21 1. I have never been personally served in this litigation.
- 22 2. I am in receipt of Document 53 filed on 5/16/08 by the plaintiff in which
- 23 he claims copies of complaint and summons were left at my house with a
- 24 person of suitable age, George Dayzie.
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1 3. George Dayzie is not an adult who lives at my dwelling house and upon
2 understanding and belief he does not even live in the housing complex in
3 which I reside.

4 4. George Dayzie is not and has never been my agent.

5 5. I did receive a copy of the complaint and summons on May 2, 2008 by
6 Ernesto Bautista. Ernesto Bautista did not know what he was giving me
7 but simply told me that someone had left a package for me.
8

9 6. Ernesto Bautista does not reside at my residence. Upon information and
10 belief Ernesto Bautista does not even reside in the housing complex in
11 which I reside.
12

13 7. I have never received a copy of the complaint and summons via USPS
14 mail since April 29, 2008 to present.

15 Dated: May 23, 2008

16 By: 

17 Timothy O'Hara
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